



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

October 22, 2001

via electronic filing

Magalie R. Salas, Secretary
Office of the Secretary
Federal Communications Commission
Portals II
445 Twelfth Street, S.W.
Suite TW-A325
Washington, D.C. 20554

**RE: Comments of the Pennsylvania Public Utility Commission
In the Matter of Verizon Wireless' Petition Pursuant to 47 U.S.C. § 160 for Partial
Forbearance from the Commercial Mobile Radio Services Number Portability
Obligation
WT Docket No. 01-184
CC Docket No. 99-200**

Dear Ms. Salas:

Attached for filing in the above matter please find one copy of the Pennsylvania Public Utility Commission's Comments.

Sincerely,

Deanne M. O'Dell
Assistant Counsel

Enclosure

cc: per certificate of service

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON, D.C. 20554

In the Matter of

Verizon Wireless' Petition Pursuant to 47
U.S.C. § 160 For Partial Forbearance From
The Commercial Mobile Radio Services
Number Portability Obligation

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WT Docket No. 01-184

CC Docket No. 99-200

**REPLY COMMENTS OF THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Dated: October 22, 2001

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INTRODUCTION

The Pennsylvania Public Utility Commission (PAPUC) submits the following reply comments in response Verizon Wireless' Petition Pursuant to 47 U.S.C. § 160 For Partial Forbearance From The Commercial Mobile Radio Services Number Portability Obligation. The PAPUC submits these reply comments both to underscore the importance of wireless' participation in pooling and to explain why we are concerned about the wireless carriers' ability to participate in pooling. The PAPUC encourages the Commission to ensure that wireless carriers will be fully participating in pooling on November 24, 2002.

DISCUSSION

The PAPUC is committed to slowing the unnecessary proliferation of area codes in the Commonwealth and nationwide. Pennsylvania, like most other states, has had to deal with the rapid explosion of new area codes. In 1994, Pennsylvania had a total of only four area codes – 814, 717, 412, and 215. Today we have nine active area codes – 814, 717, 570, 412, 724, 215, 610, 267, and 484. The PAPUC has strongly supported all of the FCC's efforts to implement national number conservation measures. Beyond supporting the Commission's efforts, the PAPUC has actively used all of the delegated authority it has received from the Commission

since the summer of 2000¹ in an attempt to slow down the need for more new area codes in the Commonwealth.²

Even with the implementation of aggressive number conservation measures, however, Pennsylvanians are still faced with the possibility of having five more new area codes implemented in the foreseeable future. There are currently three pending overlays ready to activate three new area codes in the Commonwealth (878 in Western Pennsylvania and 835 and 445 in Southeastern Pennsylvania). Also, the PAPUC is reviewing two industry consensus plans to implement two more area code overlays which would create two more new area codes for Central Pennsylvania (to relieve the current 717 and 570 area codes). The addition of five new area codes to the existing nine area codes would make 110 million numbers available³ to the 12 million people residing in the Commonwealth.⁴ Moreover, the introduction of five new area codes in Pennsylvania means that five area codes will be depleted from the resources of the NANP.

As the Commission already knows, the long-term effects of continuing to add new area codes will be monumental for the telephone industry and consumers. There is a finite amount of

¹ On March 31, 2000, the Commission gave state commissions the authority to implement NXX code reclamation procedures. *Report and Order and Further Notice of Proposed Rulemaking in the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 15 FCC Rcd 7574 at ¶ 237 (2000). On July 20, 2000, the Commission gave the PAPUC the following authority: 1) to implement thousand block pooling, 2) to maintain rationing procedures for 6 months following implementation of NPA relief, 3) to implement NXX code sharing (after investigating it, reporting results to FCC, and determining that it is feasible and economically viable), and 4) to hear and address claims for an extraordinary need for numbering resources in an NPA subject to a rationing plan. *In the Matter of Numbering Resource Optimization*, CC Docket Nos. 99-200, 96-98, NSD File No. L-99-101.

² The PAPUC has investigated Rate Center Consolidation, has implemented NXX Code Reclamation, has implemented or is in the process of implementing three mandatory pools and two voluntary pools, has continued an industry consensus rationing plan six months after implementation of a new area code, and has opened an investigation regarding the feasibility of NXX Code Sharing.

³ For the purposes of NPA relief planning, it is assumed that the capacity of an NPA is 792 CO Codes (NXXs). *Industry Numbering Committee (INC) NPA Code Relief Planning & Notification Guidelines*, INC 97-0404-016, issued August 6, 2001 at § 2.3.

⁴ Based on information from the U.S. Census Bureau located at <http://www.census.gov>.

available area codes. When all these available area codes are activated, the entire telephone network system and infrastructure will need to be redesigned to dramatically change local and long distance dialing patterns. Preliminary estimates place the cost of this project between 50 and 150 billion dollars and full implementation of these changes may take as long as 10 years. Based on the rapid introduction of new area codes currently, these changes may need to be implemented as early as 2006.⁵

I. Wireless participation in pooling would slow area code proliferation in Pennsylvania which would in turn increase the longevity of the NANP

There are about 80 wireless carriers operating in Pennsylvania's three current pooling area codes. Approximately 32 out of a total of 65 carriers with 610/484 NXX codes are wireless carriers, approximately 21 out of a total of 44 carriers with 412 NXX codes are wireless carriers, and approximately 27 out of the 49 carriers with 724 NXX codes are wireless carriers. Since these 80 carriers are not participating in the pools, they must receive all their numbering resources from the NANPA in blocks of 10,000 without regard for how many of those numbers will be used. Once these 80 carriers are able to share and receive numbers in blocks of 1,000, the strain on the NXX resources of the area codes will be alleviated. By conserving the NXX codes in our area codes, we lengthen the life of the area code and ultimately the life of the NANP.

⁵ See *Report and Order and Further Notice of Proposed Rulemaking in the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 15 FCC Rcd 7574, ¶ 6 (2000).

In addition to diminishing the number of carriers depleting the NXX resources of our area codes, the wireless carriers in our three current pooling areas have approximately 5.21 million numbers assigned to them that would be added to the current resources of the pools. Consequently, all the carriers in the pooling areas would have access to the influx of the 5.21 million numbers into the pools' resources as well as all the numbers already in the pools. To date, the current resources of Pennsylvania's pools have been more than sufficient to meet the needs of the participating carriers. In the 610/484 pooling area, only one NXX code has had to be opened since April 2001 to meet the demands of the pooling carriers. According to NeuStar, our pooling administrator, only one more NXX code will need to be opened through July 2002 to meet the demands of the pooling carriers. A similar situation is present regarding our upcoming 412 and 724 pools. NeuStar is indicating that no new NXX codes will need to be opened to accommodate the pooling participants in 412 while only one NXX code will need to be opened between now and October 2002 to accommodate pooling participants in the 724 area code.⁶ We are certain that through pooling wireless carriers will be able to more effectively use the numbering resources they have already been assigned to in turn alleviate the need for more new Pennsylvania area codes. The more effectively Pennsylvania can use its existing area codes, the less likely it will need to deplete the area code resources of the NANP. The benefit of this to all consumers in the long run will be monumental.

⁶ Information regarding the status of Pennsylvania's pools as well as the pools of other states is available at <http://www.numberpool.com> in the "reports" section.

II. The PAPUC has serious concerns about wireless' ability to participate in pooling without full LNP capability

In its Petition, Verizon Wireless maintains that it will be able to participate in 1K pooling in November 2002 as required by the FCC even though it is seeking a permanent exemption from the Commission's LNP requirement. After reviewing Verizon Wireless' petition and the comments filed by other wireless carriers in support⁷, the PAPUC has serious concerns about the wireless industry's ability to participate in Pennsylvania's pools in November 2002. These concerns are based on two issues raised by the wireless industry. The first issue is the wireless industry's technical ability to implement pooling on November 24, 2002 and the second issue is whether LNP is a necessary prerequisite for wireless pooling.

A. In their comments, the wireless industry indicates that implementing pooling on November 24, 2002 will be technically difficult

While Verizon Wireless states that it will be participating in pooling in November 2002,⁸ none of the comments filed by the wireless carriers offer guarantees that pooling will occur on November 24, 2002. On the contrary, the commenting wireless carriers raise serious concerns about the wireless industry's ability to effectively implement pooling in November 2002 as required. The Cellular Telecommunications & Internet Association ("CTIA"), VoiceStream Wireless Corporation ("VoiceStream Wireless), and United States Cellular Corporation ("U.S.

⁷ We note that WorldCom, Inc., the largest seller of post-paid wireless services in the U.S., filed comments in opposition to the granting of a permanent forbearance to wireless carriers from becoming fully LNP capable. Verbal representations have also been made to the PAPUC by other members of the wireless industry that they do not support the granting of a permanent forbearance from the requirement to become fully LNP capable.

Cellular”) detail the complexity of wireless pooling by explaining that the network changes necessary for pooling will need to be implemented nationwide.⁹ AT&T Wireless Services, Inc. (“AT&T Wireless”) expresses concern about the wireless industry’s ability to successfully implement pooling in light of the recent downturn in the telecommunications sector. According to AT&T Wireless, this has made obtaining the switch software needed for pooling more difficult.¹⁰ ALLTEL Communications, Inc. (“ALLTEL”) raises concerns about implementing pooling in the middle of their busy holiday season. According to ALLTEL, wireless carriers acquire a large percentage of their annual new customers during November and December; consequently, ALLTEL states that the customer service infrastructure of wireless companies are stretched thin during this time.¹¹

Moreover, AT&T Wireless, VoiceStream and U.S. Cellular state that the consequences of failed pooling on November 24, 2002 are not that serious in the sense that consumers will not be affected because they will be able to still get numbers from wireless companies just not ported numbers.¹² This characterization of failed wireless pooling misses the whole point that pooling is an extremely effective number conservation measure that preserves the area codes of the NANP to save consumers in the long term from the expense, burden and difficulty of establishing a whole new telephone network.

⁸ Petition of Verizon Wireless at 12.

⁹ Comments of CTIA at 16-17, Comments of VoiceStream and U.S. Cellular at 11-15.

¹⁰ Comments of AT&T Wireless at 11-14.

¹¹ Comments of ALLTEL at 7-8.

¹² Comments of AT&T Wireless at 18-19, Comments of VoiceStream and U.S. Cellular at 4.

B. In their comments, the wireless industry indicates that LNP is not a necessary prerequisite for wireless pooling

All the wireless carriers now emphatically state that LNP is not necessary for pooling. This is the first time that the wireless carriers have shared this information with both the Commission and state commissions even though the Commission has invited and received extensive comments regarding both LNP and number pooling in its Numbering Resource Optimization Docket.¹³ In their comments, the wireless industry does not offer any consistent explanation for this miscommunication. While AT&T Wireless acknowledges that the wireless industry failed to state precisely that “it was the technology *supporting* LNP . . . which is necessary to employ number portability,” CTIA indicates that this information was only recently discovered by the wireless industry.¹⁴ Technically, the PAPUC cannot offer any insight regarding whether LNP is a prerequisite for pooling. But, we do encourage the Commission to carefully consider those comments suggesting that pooling without LNP capability is really not pooling because the wireless carrier can only use the numbers it donates to the pool.¹⁵

¹³ The Commission’s Notice of Proposed Rulemaking regarding Numbering Resource Optimization was released June 2, 1999 and comment was sought regarding number conservation measures in both an LNP environment and a non LNP environment. *In the Matter of Numbering Resource Optimization, Notice of Proposed Rulemaking*, CC Docket No. 99-200, 14 FCC Rcd 10322 (1999). In the Commission’s subsequent Further Notice of Proposed Rulemaking released March 31, 2001, the Commission sought comment regarding 1K pooling for non-LNP capable carriers. *Further Notice of Proposed Rulemaking on Numbering Resource Optimization*, CC Docket No. 99-200, 15 FCC Rcd 7574 (2000). Finally, in December 2000, the Commission sought more comment regarding 1K pooling for non-LNP capable carriers. *Report and Order and Second Notice of Proposed Rulemaking in the Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (2000).

¹⁴ Comments of AT&T Wireless at 4; Comments of CTIA at 7.

¹⁵ In other words, Verizon Wireless, for example, would only be able to share and use Verizon Wireless numbers. This is not pooling as the whole concept behind pooling is to enable carriers to share and use the numbers from the inventories of other carriers. Comments of the New York Department of Public Service at 2 and Comments of the New Hampshire Public Utilities Commission at 10.

Finally, the PAPUC is concerned about the perception here that the wireless industry, whether intentional or not, mislead the Commission in a way to forestall its obligations to participate in number pooling. Pennsylvania's first pool opened April 29, 2001, our second and third pools will open October 29, 2001, our fourth pool will open February 28, 2002 and our fourth pool will open March 14, 2002. If LNP is not a prerequisite to pooling, then the wireless industry should have been participating in all of our pools.¹⁶

¹⁶ According to AT&T Wireless, "it would have been extremely difficult (if not impossible) for the implementation of the LRN architecture to be accelerated such that wireless carriers could have participated in pooling sooner." Comments of AT&T Wireless at fnte 11.

CONCLUSION

While the PAPUC remains committed to ensuring that all telecommunications carriers have timely access to needed numbering resources, the Commission remains equally committed to ensuring that currently available numbering resources are used effectively and efficiently. Thousands block number pooling has been very successful in the Commonwealth and the addition of wireless carriers to these pools will only enhance the benefit of this number conservation measure. Therefore, the PAPUC respectfully encourages the Commission to ensure that wireless carriers will be fully participating in pooling on November 24, 2002.

Respectfully submitted,

PENNSYLVANIA PUBLIC UTILITY
COMMISSION

By its counsel:

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Bohdan R. Pankiw
Chief Counsel

Dated: October 22, 2001

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CERTIFICATE OF SERVICE

I, Deanne M. O'Dell, hereby certify that I have on this 22nd day of October 2001, filed a copy of the Pennsylvania Public Utility Commission's Comments regarding the Report and, upon the Secretary of the Federal Communications Commission by electronic filing and that I have served a true and correct copy of the Comments upon the other persons listed below by first class mail.

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